

the returns of the voters cast for the election it was possible to construe the statute as conferring such authority on the returning board, then the same statute giving authority of the board to the canvass and the counts of the returns made by the commissioners of election," without authority to reject any on account of intimidation or other acts of violence unless the foundation of the claim was shown in the statute; that the evidence does not disclose that such foundation was laid in any instance. There is, however, evidence of attempts surreptitiously to lay the foundation for such a claim. When the returns were completed, and that the supervisors of election, in many instances, unlawfully withheld their returns for such purpose, and interpolated among them extra votes, and the secret in New Orleans before a United States commissioner, which the board has no jurisdiction to consider.

The republicans, on the other hand, attribute the lawlessness to the hostility of the colored race to the whites, and as largely to the political crimes.

The murders and outrages which have been brought to our notice are frequently committed by persons of the same race as the other, and in a large majority of cases.

Many such cases were brought to the notice of the board by ex-partee affidavits, which would regard the time of their occurrence, when by the time of the election the slightest connection with the recent election. Strangely enough, it is assumed by the republicans, who have had complete control of the state government for years, that the lawlessness prevailed in certain localities, and that crime went unpunished, that those facts furnished a reason why the slave should be continued in power, notwithstanding the large majority of ballots cast against them.

Another assumption of the republicans is, that all the colored men in the state are necessitous, and that they are, by no means true. We were visited by a large number of colored persons from different parts of the state, including the alleged disturbed districts, who made speeches, and took an active part in the canvass in favor of the democratic

et. and who gave, among other reasons for so doing that they had been deceived by republican officials, who had proved themselves unworthy to have the management of their school money, and burdened them with unnecessary taxes, and that they believed it for the interest of the colored race to unite their fortunes with the whites, and to elect their own officers, were identified with the state.

It is certain that thousands of colored persons voluntarily and actively supported the democratic ticket. The entire vote of the colored people, in this election, is about 15,000 greater than ever before; and even in the parishes where intimidation is charged it exceeds in the aggregate any previous vote. The colored people, therefore, are not to be understood, will soon vote the state armed with authority to send for persons and papers, and inquire into all the facts connected with the recent election and the action of the returning board. They will have greater facilities for arriving at the

truth than we possess, but with the law and such facts before us as have been disclosed by the investigation, returning to the board, we do not hesitate to declare that its proceedings as witnessed by us were partial and unfair, and that the result it has announced is arbitrary, illegal and entitled to no respect.

Fifteen years ago, when Foster Sumner was fired upon by men who sought a disruption of the Union, a million patriots, without regard to party affiliations, rallied to his aid, and when patriotic citizens now sit idly by and see representative government overthrown by usurpation and fraud? Shall the

WILL OF FORTY MILLIONS OF PEOPLE, constitutionally expressed, be thwarted by the corrupt, arbitrary and illegal action of an illegally constituted returning board in an illegal and unconstitutional action heretofore, in all respects condemned by all parties? It is an ad-

majority of a quarter of a million. The white voters at the recent election. This majority is ready and willing to submit to the minority when constitutionally enjoined to do so. In this submission, but not in this declaration of votes, is it willing that by an arbitrary and false declaration of votes in Louisiana the minority shall usurp power? These are dark days for the American people and the American Government, and upon their consideration. If it were true, as some insist, that neither the white nor the colored voters have in all instances been afforded an opportunity to give free expression to their choice in the ballot box, shall we, by sustaining a fraudulent and illegal declaration of the votes cast stifle the voice of the millions of voters who have freely expressed their choice, and thereby make the least wrong by committing another immeasurably greater wrong?

Can we sanction such action of the Government's returning board, and thereby form a precedent for the future?

which a party once in power may forever perpetuate its rule, and so end constituent liberty? Shall such be the fate of the republic in the beginning of the second century of its existence? The momentous question now presented for the determination of the American people.

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GEORGE B. SMITH,
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NEW ORLEANS, Dec. 8, 1870.

Including all those senators who can, on any grounds, be claimed as republicans, that party counts a majority of fifteen in the present senate. There is some doubt as to the right of the pro-seceders to take their seats without further qualification. If they are admitted, the republican majority will be increased to twenty-seven.

Let us assume that, so far as the certificate goes, the nineteen votes of Louisiana, Florida, Alabama, South Carolina, Mississippi, Texas, and Nevada are all in favor of the Hayes, and that the specious use of discarding the whole or a portion of these votes is not resorted to.

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